Shawnee Milling *and* Keith W. Hale. Case 16-CA-9891

December 8, 1982

DECISION AND ORDER

BY CHAIRMAN VAN DE WATER AND MEMBERS FANNING AND ZIMMERMAN

On May 27, 1982, Administrative Law Judge William N. Cates issued the attached Decision in this proceeding. Thereafter, Respondent filed exceptions and a supporting brief, and the General Counsel filed a brief in support of the Administrative Law Judge's Decision.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the record and the attached Decision in light of the exceptions and briefs and has decided to affirm the rulings, findings, and conclusions of the Administrative Law Judge[1] and to adopt his recommended Order, as modified herein.[2]

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge, as modified below, and hereby orders that the Respondent, Shawnee Milling, Shawnee, Oklahoma, its officers, agents, successors, and assigns, shall take the action set forth in said recommended Order, as so modified:

Substitute the following for paragraph 1(c):

"(c) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act."

[1] Respondent has excepted to certain credibility findings made by the Administrative Law Judge. It is the Board's established policy not to overrule an administrative law judge's resolutions with respect to credibility unless the clear preponderance of all of the relevant evidence convinces us that the resolutions are incorrect. *Standard Dry Wall Products, Inc.*, 91 NLRB 544 (1950), enfd. 188 F.2d 362 (3d Cir. 1951). We have carefully examined the record and find no basis for reversing his findings.

In addition, we are satisfied that Respondent's contentions that the Administrative Law Judge was biased are without merit. There is nothing in the record to suggest that his conduct at the hearing, evidentiary rulings, resolutions of credibility, or the inferences he drew were affected by any bias or prejudice.

[2] We substitute a narrow cease-and-desist order for the broad cease-and-desist order recommended by the Administrative Law Judge. See *Hickmott Foods, Inc.*, 242 NLRB 1357 (1979).

DECISION

STATEMENT OF THE CASE

WILLIAM N. CATES, Administrative Law Judge: This matter was heard at Shawnee, Oklahoma, on February 23, 1982, pursuant to a charge filed on June 18, 1981,[1] by Keith W. Hale, an individual, hereinafter Hale, and a complaint and notice of hearing issued on July 27. The essence of the complaint was that Shawnee Milling, hereinafter Respondent, refused to reemploy Hale on June 6, because he was related to Respondent's employee and Local union president, Dragutin Kroeling, in violation of Section 8(a)(3) of the National Labor Relations Act, hereinafter the Act; and further that Respondent, by allegedly telling Hale that was the reason for refusing to rehire him, violated Section 8(a)(1) of the Act.

Each party was afforded full opportunity to be heard, to call, to examine and cross-examine witnesses, to file briefs, and to submit proposed findings of fact and conclusions of law. Upon the entire record made in this proceeding, including my observation of each witness who testified herein, and after due consideration of briefs filed by counsel for the General Counsel and counsel for Respondent, I make the following:

FINDINGS OF FACT AND CONCLUSIONS

I. JURISDICTION

Respondent, an Oklahoma corporation, is engaged in the milling of flour and in connection therewith maintains an office and place of business located at Shawnee, Oklahoma. During the 12-month period immediately preceeding the issuance of the complaint herein, which period is representative of all times material herein, Respondent sold and shipped from its Shawnee, Oklahoma, facility goods and materials valued in excess of $50,000 directly to points outside the State of Oklahoma.

The complaint alleges, Respondent admits, and I find that it is an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

II. THE LABOR ORGANIZATION INVOLVED

The complaint alleges, Respondent admits, and I find that Grain Millers Local 117 is now and has been at all times material herein a labor organization within the meaning of Section 2(5) of the Act.

III. THE ALLEGED UNFAIR LABOR PRACTICES

The issue herein simply stated is whether Respondent unlawfully refused to reemploy Hale some 6 months after he voluntarily terminated his employment with Respondent.

It is undisputed that Dragutin Stanley "Stan" Kroeling, also an employee of Respondent and president of the Local Union, is Hale's father-in-law. The complaint alleges and the General Counsel contends that Respondent unlawfully refused to rehire Hale because his father-in-law was president of the Union. Respondent, on the

[1] All dates hereinafter are 1981, unless otherwise indicated.

other hand, contends it did not rehire Hale because it had a policy against hiring (or rehiring) relatives of its current employees.

Hale testified he first commenced work for Respondent June 9, 1977, as a temporary wheat harvest employee. Following harvesting of the wheat, he continued to work for Respondent under the supervision of Head Miller Jack Oaks.[2] Hale worked for Respondent from June 1977 until October 26, 1980. Hale testified that prior to the time he commenced work for Respondent, and at all times thereafter, he has been married to the daughter of Union President Kroeling. Hale testified that Respondent was aware that Kroeling was his father-in-law within 45 days of his initial employment in 1977. Hale stated he did not indicate on his employment application that he had any relatives working at Respondent because he thought the question on the application referred to blood relatives. Head Miller Oaks asked Hale within 45 days of his initial employment why he had not indicated on his application that Kroeling was his father-in-law, and Hale testified he informed Oaks it was because he thought the matter pertained to blood relatives only.

Hale testified that on October 24, 1980, he learned from his father that his mother was terminally ill, and he asked Superintendent Honeywell for a leave of absence. Hale testified that Honeywell told him he could only have 2 days. After consideration, Hale testified he gave Head Miller Oaks a 2-week notice that he intended to quit his employment with Respondent. Hale stated, however, that on the night of October 24 his father telephoned informing him his mother had died. At that point Hale voluntarily left the employment of Respondent.

Hale testified that on June 6, he returned to Respondent's plant and spoke with Head Miller Oaks. Hale asked Oaks if he could have his job back, and Oaks told him, "Sure, it's all right with me. But, you need to check with Fred Honeywell." Hale testified that Oaks told him he was shorthanded and could certainly use him.

Hale testified that, based on what Head Miller Oaks told him, he spoke that same day alone with Honeywell in Honeywell's office. Hale testified as follows:

> I had went up there to ask Fred [Honeywell] for my job, if I could get my job back. And he said, "Well, with Stanley being the Union president and your father-in-law," he said, "I'm going to let a can of worms out." And I said, "Well, you have family working here now, Fred." And he said, "Well, they snuck through." And he said, "Well, that don't really matter anyway." He said, "You have a good work record, you can run the machinery," and so he says, "So, that shouldn't matter with family working here." So, he said, "I'll let you know something."

According to Hale the above was the extent of his conversation on that day with Honeywell.

Hale testified he did not receive a response from Honeywell, so he visited him again the following day, June 7. Hale asked Honeywell if he could get his job back, and Honeywell told him he needed to talk to Respondent's president, Ford. Hale told Honeywell he would talk with President Ford himself, and Honeywell told him no, that he would do it and let him know something definite that night through Union President Kroeling. Hale never received any response directly from Honeywell. Hale's father-in-law, Union President Kroeling, informed him that Respondent was not going to rehire him. Hale testified he attempted to make further contact by telephone with Superintendent Honeywell and President Ford, but that he was unable to get in contact with either of them. Hale testified his work record was never mentioned during his contacts with Respondent for reemployment.

Union President Kroeling testified that he and his son-in-law, Hale, worked together in the same department at Respondent from 1977 until 1980. Kroeling testified he became the president of the Union in January 1981 and, for 2 years prior to that time, he had been vice president of the Union, and for a number of years previous to that, he had been union steward. Kroeling testified that about a month after Hale started to work for Respondent that Head Miller Oaks stated to him that he did not know Hale was his son-in-law.

Union President Kroeling testified he was aware in June that his son-in-law had attempted to regain employment with Respondent. Kroeling testified he spoke with Head Miller Oaks during the first week of June about the matter on the floor of the plant. Kroeling asked Oaks how he would feel about Hale coming back to work, to which Oaks responded, "I could use him right now." Oaks then told Kroeling, with respect to Hale's coming back to work, that he did not know about it that it would depend upon Respondent.

During the first week in June, around June 7, Kroeling testified he spoke with Superintendent Honeywell about whether Respondent was going to rehire Hale. Kroeling testified he specifically met with Honeywell for the purpose of determining if Hale could return to work and that he and Honeywell were alone at the time of their meeting. Kroeling asked Honeywell if Hale had been to see him about reemployment, and Honeywell told Kroeling that he had. Kroeling then asked Honeywell if he were going to hire Hale, and Honeywell told him he did not know. Kroeling asked why they did not "give the kid a break," and Honeywell responded to Kroeling, "'Well, Stan, you know, in the position you are in, and both of you working in the same department,' he said, 'that might be a conflict.'" Kroeling testified he told Honeywell, "As God be my witness, when Keith Hale walks through that office, he's just Keith Hale, he's not my son-in-law." Kroeling asked Honeywell why Respondent did not place Hale in the feed mill or someplace else in the plant, and Honeywell asked Kroeling how that would keep Hale from bidding back into the job where Kroeling was. Honeywell then ended the conversation by asking Kroeling to let him think about the matter and he would let him know.

[2] The General Counsel alleges and Respondent admitts that Head Miller Jack Oaks, Superintendent Fred Honeywell, and President William L. Ford were supervisors within the meaning of Sec. 2(11) of the Act.

Union President Kroeling testified that the following day Head Miller Oaks came and told him, "Mr. Honeywell told him to tell me that he could not hire Keith [Hale] and he's my kin folk." After being so informed, Kroeling along with Union Vice President Burt Gil went to see President Ford in Ford's office regarding rehiring Hale. Kroeling testified that Gil brought up the matter with Ford and that Ford stated, "As you know our policy is that we do not rehire people who quit. And you know how the policy is also on family members or kin folks." Kroeling testified he told Ford, "Bill, you're not practicing what you're preaching." Ford asked Kroeling what he meant, and Kroeling told him that he had individuals working such as Gene Masters and his brother-in-law Leon Carter, and others whose names he could not recall. Kroeling told Ford, "Bill, I have—I know the reason that you don't want to hire the kid, is that I'm the President of the Union." Kroeling testified Ford responded, "Stan, now, you know better than that. I've known you too long, I wouldn't do this." Kroeling told Ford that he still felt that way and the conversation ended except for additional unrelated business of the Union that needed to be discussed with President Ford. Union Vice President Gil corroborated the testimony of Kroeling with respect to the meeting with President Ford. Neither President Ford nor Head Miller Oaks were called to testify in this proceeding.

Respondent presented Superintendent Honeywell who testified that he assumed the position of plant superintendent in May 1967. Honeywell stated as plant superintendent he did all the hiring, firing, and disciplining of Respondent's employees. Honeywell testified he spoke with Hale about reemployment but he could not remember word-for-word what was said in the conversation. Honeywell testified it seemed like he mentioned the fact to Hale that he was surprised to see him back, and told him he did not know whether he could be rehired or not. Honeywell testified he knew Respondent needed someone in the mill at the time, and stated "I believe I made the statement that since his father-in-law worked there, I was going to have to consider the circumstances, and see where we stood on it." Honeywell testified he never mentioned the Union during his conversation with Hale; however, he testified he may have told Hale that he would have to talk to someone else about his situation. Honeywell stated the reason he wanted to talk to President Ford about Hale was, "Well, frankly, this is an unusual instance, I swear I don't believe this has ever happened before, where a person came back and had relatives working there, that came back, you know, that had worked there before. And I thought it deserved some time and consideration on the matter." Honeywell testified that following his conversation with Hale, he spoke with Respondent's President Ford, and he imagined he did say to Ford that he could not hire Hale because it would open up a can of worms but he denied mentioning to Ford that it was because of Hale's relationship to the president of the Union that he could not be hired.

Superintendent Honeywell testified the thought went through his mind that Keith Hale's father-in-law was the union president, and he was afraid that the rehiring of Hale might set a precedent where other union members would say, "Hey, look, you know. You did him a favor because his father-in-law was the President of the Union, you know; why don't you hire my son?" Honeywell testified he never told Head Miller Oaks that he was unable to hire Hale because Hale's father-in-law was the president of the Union.

There is a crucial credibility conflict between Hale and Honeywell as to what was said during the June 6 meeting between them when Hale was seeking reemployment with Respondent. After hearing both versions of the conversation and observing the witnesses' demeanor while testifying, I am persuaded that Hale, though inarticulate, truthfully related, as best he could, the content of the conversation. Hale was unshaken when requestioned about his version of the meeting with Superintendent Honeywell. Hale demonstrated no inability or failure to recall what took place at the meeting whereas Superintendent Honeywell had uncertainties with respect to what was said, for example, he testified, "Gee, I can't remember word-for-word what was said now . . . . It seems like I mentioned the fact . . . and I believe I made the statement . . . . I might have made that statement." Further, I find that Hale's veracity was substantiated by the testimony of Union President Kroeling with respect to Kroeling's inquiry of Honeywell regarding Hale's potential reemployment where Honeywell told Kroeling, "Well, Stan, you know, in the position you are in, and both of you working in the same department . . . that might be a conflict." I, therefore, credit Hale's version of the conversation of June 6 and discredit Honeywell where in conflict.

Based upon the above findings, I conclude that Respondent, through Superintendent Honeywell, on or about June 6 told former employee Hale that he would not be reemployed because he was related to an officer in the Union, and as such I find this to constitute interference, restraint, and coercion in violation of Section 8(a)(1) of the Act as alleged in the complaint.

I further conclude and find that by the credited testimony outlined above, counsel for the General Counsel has made a *prima facie* showing sufficient to support the inference that protected conduct was a "motivating factor" in Respondent's decision not to reemploy Hale. Once the General Counsel has established this *prima facie* showing, the burden then shifts to Respondent to demonstrate that the same action would have taken place even in the absence of the protected conduct.

Respondent acknowledges that it refused to hire former employee Hale on and after June 6. Respondent contends that its refusal to rehire Hale was based on its policy against hiring (or rehiring) relatives of present employees. Superintendent Honeywell testified that during the latter part of 1969, he talked with then Respondent President Leslie Ford about a situation that had come to his attention where Respondent had a husband and a wife working, and it became necessary to reduce the number of hours the wife was working and as a result she became quite unhappy about it and in turn her husband also became unhappy. Honeywell testified that, as a result of his discussion with then President Leslie Ford,

it was decided that a policy would be established whereby Respondent would eliminate hiring individuals with a close family relationship to those already employed by Respondent because of the problems they were having with the couple in question. Therefore, in 1969, Respondent, according to Honeywell, established a policy which he described as follows:

> That we [would] refrain from hiring close relatives, such as fathers, brothers, son-in-laws, brother-in-laws . . . .

Honeywell testified that the policy was implemented to prevent future problems of the nature he had described as set forth above. Honeywell testified the policy was never reduced to writing, that it was not applied retroactively, and the policy was never announced to and/or publicized among the employees. Honeywell testified the policy was not meant to discipline those employees who were employed at the time the policy was formulated, who already had relatives working for Respondent, but was rather an effort to eliminate future problems. Honeywell testified that at some point the individual supervisors who worked for Respondent were apprised of the hiring policy with respect to relatives. Respondent's application form contained, among other questions, the following: "Name relatives in our employ," which was under the caption of "General Information." Union President Kroeling testified he was aware of a policy Respondent had that it would not hire relatives of already employed individuals.

I am persuaded that, although Respondent did not have a well-defined nor publicized policy, it did in fact have a policy with respect to not hiring individuals who had relatives already in its employ. There is no evidence in this record to indicate that the policy was on its face unlawful or that the purpose of the policy was in any way motivated by union animus. The question then arises whether the policy was consistently applied.

Counsel for the General Counsel presented several examples of employees working for Respondent and relatives of theirs thereafter being employed and their employment being maintained over an extended period of time. Counsel for the General Counsel proceeded back in time to World War II hirings in an attempt to establish that Respondent employed relatives of other employees. The record reveals that Lester Kieffer was the father-in-law of employee Otho Montgomery and that they were both employed by Respondent at the same time between 1968 and 1973. Employee Lloyd Lawson was the father of employee Larry Lawson. Lloyd Lawson commenced work for Respondent in 1944, and his son Larry commenced work in 1966 and, except for military time, worked for Respondent until August 1971. Therefore, Lloyd and Larry Lawson were employed by Respondent at the same time from 1967 until 1971. Carl Annanders was hired by Respondent in 1953, and his brother Roy Annanders, who died in 1980, was hired in 1958. The two Annanders brothers worked together at Respondent at the same time from 1958 until 1980. Elmer M. Chancellor commenced work for Respondent in 1945 and retired in 1976. Chancellor was the father-in-law of James Hart, who commenced work for Respondent in 1950, was reemployed in 1954 and reemployed in 1956 and has worked steadily for Respondent since 1956. Therefore, from 1956 until 1976, Hart and Chancellor were employed by Respondent at the same time. George Rayfield, who was hired by Respondent in November 1942 and is still employed by it, was the brother-in-law of Johnny Jones, who was hired by Respondent in 1942 and worked there until his retirement in 1971. Therefore, between 1942 and 1971, Jones and Rayfield worked together at the same time at the plant as brothers-in-law. It is clear that the above employees, with the relationships indicated, were employed long before the effective date of the policy of Respondent pertaining to not hiring (or rehiring) relatives of employees.

There are certain other examples of individuals being hired by Respondent who had relatives already employed by it. The record reveals that Harvey Lavonne Coomer commenced work for Respondent September 12, 1966, and presently continues to be employed by Respondent. The record further reveals that his son-in-law Jimmy Pickard was employed by Respondent on November 12, 1975. Pickard's employment application reveals that he left the question blank with respect to whether he had any relatives already in the employ of Respondent. Superintendent Honeywell testified that at the time he hired Pickard he did not know of the relationship between Pickard and Coomer.

Leon Carter testified he commenced work for Respondent on December 10, 1979. At the time he was hired by Respondent, his brother-in-law, Assistant Packing Department and Warehouse Foreman Gene Masters was already employed by Respondent and had been since 1966. Carter testified he did not fill out that portion of his employment application that addressed itself to whether he had any relatives working for Respondent or not. Carter further testified and it is undisputed that Gene Master's son, Terry Masters, worked for Respondent during the summer months of 1981 to care for the lawn at Respondent's plant. Carter testified that Terry Masters was a temporary employee hired just part time to work during the summer school recess to take care of Respondent's lawn.

John "Dub" Miner commenced work for Respondent in 1972. Ernest Wayne Davis, the brother-in-law of Miner, was hired by Respondent on August 18, 1975. Superintendent Honeywell testified that he did not know of the relationship between Davis and Miner because Davis wrote the word "none" on his application where it inquired of relatives in the employ of Respondent. Honeywell testified he did thereafter find out about the relationship between Davis and Miner, but that it was after the situation arose involving Hale.

Superintendent Honeywell testified that if an individual left blank that portion of his application form pertaining to relatives in Respondent's employment, he did not question the individual about it.

I am persuaded that if the policy pertaining to not hiring relatives of employees already in the employment of Respondent had been of any real significance to Respondent, it would have inquired of potential employees

in the employment interview if they in fact had any relatives employed by Respondent. Further, it is undisputed on this record that Respondent hired assistant packing department and warehouse foreman Masters' son, Terry, at least for the summer, and it must be assumed that Respondent knew of the relationship of father and son with respect to one of its own foreman. Further, its own foreman, Masters, knew of his relationship to Carter at the time Carter was hired, which was well after the time when the policy with respect to not hiring relatives was supposed to have been in effect at Respondent. I am persuaded by the inconsistent application of its policy, taken in conjunction with the statement made to Hale by Superintendent Honeywell, as set forth elsewhere in this Decision, that Respondent's refusal to rehire Hale was based on the union activities or sympathies of Hale's relatives. It is clear that the refusal to hire a job applicant based upon the union activities or sympathies of the applicant's relatives is a violation of Section 8(a)(3) and (1) of the Act. See, for example, *Copes-Vulcan, Inc.*, 237 NLRB 1253 at 1257 (1978). See also *Kerns Bakeries, Inc.*, 227 NLRB 1329 (1977), and *The Colonial Press, Inc.*, 204 NLRB 852 (1973). I am persuaded and find that Respondent has failed to demonstrate that, absent Hale's relationship of son-in-law to Union President Kroeling and absent the union and concerted activities of Kroeling, it would not have rehired Hale. Accordingly, I find Respondent has failed to rebut the General Counsel's *prima facie* showing of an 8(a)(3) and (1) violation of the Act. See *Wright Line, a Division of Wright Line, Inc.*, 251 NLRB 1083 (1980). I, therefore, find that Respondent's refusal to rehire Keith Hale violated Section 8(a)(3) and (1) of the Act.[3]

CONCLUSIONS OF LAW

1. Respondent Shawnee Milling is an employer engaged in commerce within the meaning of Section 2(6) and (7) of the Act.
2. Grain Millers Local 117 is a labor organization within the meaning of Section 2(5) of the Act.
3. By orally stating to a former employee that it would not rehire the former employee because the employee was related to an officer of the Union, Respondent violated Section 8(a)(1) of the Act.
4. By discriminatorily refusing to rehire Keith W. Hale on and after June 6, 1981, Respondent violated Section 8(a)(3) and (1) of the Act.
5. The aforesaid unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

[3] I have considered the testimony of Glen Lena and have concluded it was so uncertain that I decline to credit any of it. I further find improbable and decline to credit Superintendent Honeywell's testimony that Lena came to him, without an application, the same morning that Hale attempted to be reemployed, and that he asked Lena if he had any relatives working for Respondent, and when Lena allegedly told him his father-in-law worked there, Honeywell informed him he was sorry he could not hire him. I find this conversation unbelievable for, among other reasons, if Superintendent Honeywell did not even pursue the matter of relatives with an applicant when it was left blank on a written application, it is difficult to believe that the one question he would ask of a potential applicant on the same morning that Hale attempted to be reemployed was whether the individual had any relatives working for Respondent or not. I, therefore, decline to credit that portion of Superintendent Honeywell's testimony.

THE REMEDY

Having found that Respondent engaged in certain unfair labor practices within the meaning of the Act, I shall recommend that it be directed to cease and desist therefrom and take appropriate affirmative action.

It having been found that Respondent unlawfully discriminated against Keith W. Hale by its refusal to rehire him, I shall recommend that Respondent be required to offer him employment in the same position in which he would have been hired for absent the discrimination against him. I am recommending that Keith W. Hale be hired inasmuch as his application was fully considered and he was refused employment by Respondent based upon the union activities and sympathies of Hale's relatives. I shall also recommend that Respondent make Keith W. Hale whole for any loss of wages or other benefits he may have suffered as a result of Respondent's failure to hire him on June 6, 1981. Backpay shall be computed in accordance with *F. W. Woolworth Company*, 90 NLRB 289 (1950), with interest thereon computed in the manner prescribed in *Florida Steel Corporation*, 231 NLRB 651 (1977). See, generally, *Isis Plumbing & Heating Co.*, 138 NLRB 716 (1962).

Further, it is recommended that Respondent post the attached notice.

Upon the foregoing findings of fact, conclusions of law and the entire record, and pursuant to Section 10(c) of the Act, I hereby issue the following recommended:

ORDER[4]

The Respondent, Shawnee Milling, Shawnee, Oklahoma, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Stating to former employees that they would not be reemployed because of their relationship to an officer of the Union.

(b) Refusing to hire potential employees because they were related to officials of the Union.

(c) In any other manner interfering with, restraining, or coercing employees in the exercise of their rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action which will effectuate the purposes of the Act:

(a) Offer reemployment to Keith W. Hale and make him whole for any loss of pay that he may have suffered, with interest, by reason of Respondent's unlawful refusal to rehire him.

(b) Preserve and, upon request, make available to the Board or its agents, for examination and copying, all payroll records, social security payment records, timecards, personnel records and reports and all other records necessary to analyze the amounts of backpay due under the terms of this recommended Order.

[4] In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.

(c) Post at its Shawnee, Oklahoma, plant copies of the attached notice marked "Appendix."[5] Copies of said notice, on forms provided by the Regional Director for Region 16, after having been duly signed by Respondent's representative, shall be posted by it immediately upon receipt thereof and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices are customarily posted. Reasonable steps shall be taken to ensure that said notices are not altered, defaced, or covered by any other material.

(d) Notify the Regional Director for Region 16, in writing, within 20 days from the date of this Order, what steps have been taken to comply herewith.

[5] In the event that this Order is enforced by a Judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

APPENDIX

NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

After a hearing at which all sides had opportunity to present their evidence, it has been decided that we violated the law in certain ways. We have been ordered to post this notice. We intend to carry out the order of the Board and abide by the following:

WE WILL NOT inform former employees that they will not be reemployed because they are related to an officer of Grain Millers Local 117 or any other labor organization.

WE WILL NOT refuse to hire or rehire potential employees because they are related to officials of Grain Millers Local 117 or any other labor organization.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of their rights guaranteed them under Section 7 of the National Labor Relations Act, as amended.

SHAWNEE MILLING